

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

HONORABLE LARRY ALAN BURNS, JUDGE PRESIDING

UNITED STATES OF AMERICA,)	
)	
PLAINTIFF,)	CASE NO. 07CR00329-LAB
)	
VS.)	
)	SAN DIEGO, CALIFORNIA
)	AUGUST 13, 2007
BRENT ROGER WILKES,)	9:30 A.M.
)	
)	
DEFENDANT.)	
_____)	

REPORTER'S TRANSCRIPT

ATTORNEY APPOINTMENT HEARING

APPEARANCES:

FOR THE GOVERNMENT:

KAREN P. HEWITT, U.S. ATTORNEY
BY: JASON A. FORGE, ESQ.
VALERIE CHU, ESQ.
ASSISTANT U.S. ATTORNEYS
880 FRONT STREET
SAN DIEGO, CA. 92101

FOR DEFENDANT FOGGO:
(TELEPHONIC)

AKIN GUMP STRAUSS HAUSER & FELD
BY: ANDREW DOBER, ESQ.
PAUL BUTLER, ESQ.
1333 NEW HAMPSHIRE AVE., N.W.
WASHINGTON, DC 20036-1564

FOR DEFENDANT WILKES:

GERAGOS & GERAGOS
BY: MARK J. GERAGOS, ESQ.
350 SOUTH GRAND AVENUE, 39TH FL.
LOS ANGELES, CA. 90071

1 CONTINUED APPEARANCES:

2 FOR DEFENDANT WILKES:

LAW OFFICES OF EUGENE IREDALE
BY: EUGENE IREDALE, ESQ.
105 WEST F STREET, STE.
SAN DIEGO, CA 92101

7 COURT REPORTER:

EVA OEMICK
OFFICIAL COURT REPORTER
UNITED STATES COURTHOUSE
940 FRONT STREET, STE. 2190
SAN DIEGO, CA 92101
TEL: (619) 615-3103

1 SAN DIEGO, CALIFORNIA - MONDAY, AUGUST 13, 2007 - 9:30 A.M.

2 THE CLERK: NO. 3, 07CR00329, UNITED STATES OF
3 AMERICA VERSUS BRENT ROGER WILKES FOR STATUS OF APPOINTMENT OF
4 AN ATTORNEY.

5 COUNSEL, PLEASE STATE YOUR APPEARANCES FOR THE
6 RECORD.

7 MR. IREDALE: GOOD MORNING, YOUR HONOR. GENE
8 IREDALE. I AM APPEARING FOR MR. WILKES TODAY.

9 THE COURT: GOOD MORNING.

10 MR. FORGE: GOOD MORNING, YOUR HONOR. JASON FORGE
11 AND VALERIE CHU FOR THE UNITED STATES.

12 THE COURT: GOOD MORNING.

13 LADIES AND GENTLEMEN, I APOLOGIZE FOR STARTING A
14 LITTLE BIT LATE. MY FAULT. MY APOLOGY.

15 WHO IS ON THE PHONE?

16 THE CLERK: COUNSEL, PLEASE STATE YOUR APPEARANCES.

17 MR. GERAGOS: GOOD MORNING, YOUR HONOR. MARK
18 GERAGOS.

19 THE COURT: GOOD MORNING, MR. GERAGOS.

20 MR. BUTLER: GOOD MORNING, YOUR HONOR. PAUL BUTLER
21 AND ANDREW DOBER FOR DEFENDANT FOGGO. AND WE REQUEST THAT
22 MR. FOGGO WAIVE HIS APPEARANCE.

23 THE COURT: GOOD MORNING. ANYONE ELSE ON THE
24 TELEPHONE?

25 THIS WAS THE DATE AND TIME, MR. IREDALE, FOR

1 MR. WILKES TO ADVISE THE COURT WHETHER HE HAD BEEN SUCCESSFUL
2 IN RETAINING NEW COUNSEL. ARE YOU NEW COUNSEL FOR MR. WILKES?

3 MR. IREDALE: MR. WILKES HAS BEEN SEMI-SUCCESSFUL IN
4 THAT HE HAS CONTACTED -- I DON'T MEAN TO SAY ONLY SEMI, BUT
5 I NEED -- MR. WILKES WAS VERY DILIGENT IN TRYING TO GET AHOLD
6 OF ME AND SET UP A MEETING BUT I UNFORTUNATELY, FOR CALENDAR
7 REASONS, WAS UNABLE TO MEET HIM AND SPEND SOME SIGNIFICANT
8 TIME UNTIL FRIDAY OF LAST WEEK. I THINK THAT WE WILL BE ABLE
9 TO WORK OUT AN ARRANGEMENT WHEREBY I COULD ENTER AN APPEARANCE
10 ON HIS BEHALF, BUT I NEED SOME ADDITIONAL TIME.

11 THE COURT: HOW MUCH TIME?

12 MR. IREDALE: I AM WONDERING IF FRIDAY AFTERNOON OF
13 THIS WEEK, EARLY IN THE AFTERNOON WOULD BE CONVENIENT WITH THE
14 COURT?

15 THE COURT: IS THERE ANY CHANCE YOU CAN MAKE YOUR
16 ARRANGEMENTS BY WEDNESDAY?

17 MR. IREDALE: THERE IS.

18 THE COURT: MR. WILKES, WILL THAT WORK? CAN YOU
19 MEET WITH MR. IREDALE AND IRON OUT ANY DETAILS?

20 MR. IREDALE: THERE IS ONE OTHER THING, YOUR
21 HONOR -- AND I THINK PERHAPS MR. GERAGOS COULD SPEAK TO IT --
22 AND THAT IS THIS: I WOULD BE INVOLVED ONLY IN THE SECOND
23 CASE, THE 0329.

24 HOWEVER, I HAVE BEEN INFORMED THAT THERE MAY BE SOME
25 OVERLAP WITH RESPECT TO MATERIALS THAT MAY BE ABLE TO BE USED

1 BY THE DEFENSE THAT IS INVOLVED IN BOTH. AND I THINK THAT
2 MR. GERAGOS WANTED TO MAKE A PRESENTATION AND AN ARGUMENT TO
3 THE COURT IN THAT REGARD. AND I ALSO WANTED TO MAKE SURE THAT
4 I AM, GIVEN THE NATURE OF THE CASE, PROPERLY GUIDED IN WHAT IS
5 APPROPRIATE AND NOT APPROPRIATE FOR ME TO DO IN RESPECT TO
6 BOTH CASES.

7 THE COURT: MR. GERAGOS, YOU HAVE A STATEMENT TO
8 MAKE WITH RESPECT TO PROVIDING THE INFORMATION ON THE WILKES
9 MICHAEL CASE.

10 MR. GERAGOS: YES, YOUR HONOR, IF I COULD. I WOULD
11 JOIN MR. IREDALE'S REQUEST. JUST FROM OUR STANDPOINT OF THE
12 WILKES MICHAEL CASE IS TO PUT IT OVER FOR A COUPLE OF DAYS TO
13 CONTINUE OUR CONVERSATION.

14 AS THE COURT KNOWS, I BELIEVE THERE WAS GREAT
15 DEFENSE BETWEEN THE TWO CASES. I WOULD LIKE TO CONTINUE TO
16 TALK TO HIM ABOUT THAT. I GUESS THERE IS A CROSS-OVER IN THE
17 WILKES MICHAEL CASE, BECAUSE I THINK IT IS ESSENTIAL THAT
18 WHOEVER IS HANDLING THE WILKES FOGGO ALSO HAS SOME INVOLVEMENT
19 IN THE WILKES MICHAEL CASE. AND MR. IREDALE AND I HAD A
20 COUPLE OF CONVERSATIONS. I HAVE GOT A LOT OF TIME TODAY AND
21 TOMORROW HOPEFULLY TO CONTINUE THE CONVERSATION AND HAVE
22 MR. WILKES FOR REPRESENTATION.

23 THE COURT: GOOD.

24 MR. FORGE, LET ME REFRESH MY MEMORY. I DON'T THINK
25 THAT THERE WAS ANY TYPE OF PROTECTIVE ORDER OR ANY OTHER ORDER

1 ISSUED BY THE COURT THAT WOULD PREVENT MR. GERAGOS FROM
2 SHARING DISCOVERY WITH RESPECT TO THE WILKES MICHAEL CASE WITH
3 SUCCESSOR COUNSEL ON WILKES FOGGO, IS THERE?

4 MR. FORGE: THERE SHOULD BE NO PROBLEM WHATSOEVER.

5 THE COURT: OKAY.

6 MR. GERAGOS: I WOULD -- WHATEVER DATE IS GOOD FOR
7 THE COURT, I MAKE MYSELF AVAILABLE AS WELL.

8 THE COURT: WEDNESDAY IS GOOD FOR ME.

9 MR. IREDALE, WHAT ABOUT 1:30 ON WEDNESDAY?

10 MR. IREDALE: 1:30 ON THIS WEDNESDAY, YOUR HONOR,
11 WOULD BE FINE.

12 THE COURT: WE WILL PUT THIS OVER UNTIL 1:30.

13 NOW, MR. IREDALE, ONE OTHER THING. IN THE OTHER
14 CASES THAT YOU HANDLED, HAVE YOU HAD OCCASION TO GET A
15 CLEARANCE FROM THE GOVERNMENT, ANY TYPE THE SECRET CLEARANCE?

16 MR. IREDALE: I HAVE NOT, YOUR HONOR. THEY HAVE
17 SAID I CAN'T HANDLE TOP SECRET MATERIALS. WHENEVER I TRIED TO
18 FIND OUT THE NAME OF AN INFORMANT THEY ALSO SAY -- THE ANSWER
19 IS NO. BUT I HAVE NO IDEOLOGICAL OR MORAL QUALMS ABOUT MAKING
20 THE APPLICATION.

21 MR. FORGE TOLD ME I COULD SMUDGE THE FINGERPRINTS TO
22 AVOID ANY PROBLEMS WITH ANY PAST INDISCRETION, AND I WOULD BE
23 VERY GLAD TO -- OF COURSE, I AM JUST JOKING. I WILL BE GLAD
24 TO SUBMIT A REQUEST FOR SECURITY CLEARANCE.

25 THE COURT: WE MAY BE JUMPING THE GUN. HAVE

1 MR. LONDERGAN, WHO IS THE COURT SECURITY OFFICER, CONTACT YOU
2 AND AT LEAST GET THE PAPERWORK STARTED.

3 MR. IREDALE: ACTUALLY, I WAS GIVEN SOME PAPERWORK,
4 AND I DON'T KNOW WHAT IS REQUIRED, AND I WILL CERTAINLY SPEAK
5 TO --

6 DEFENDANT WILKES: THAT IS THE PAPER THAT
7 MR. LONDERGAN GAVE ME LAST WEEK.

8 THE COURT: IF YOU'LL FILL THAT OUT. THAT'S ONE OF
9 THE MOST IMPORTANT THINGS AT THIS JUNCTURE, BECAUSE THAT
10 PROCESS TAKES A WHILE. I AM NOT EVEN IN A POSITION TO SET A
11 TRIAL DATE OR HEAR FROM YOU ABOUT THAT. WELL, MAYBE I COULD
12 SET ONE, BUT IT WOULD BE SET ON THE IDEA THAT YOU'LL BE
13 CLEARED, WHICH I HAVE NO DOUBT ABOUT. BUT SUFFICE IT TO SAY
14 THAT THE PROCESS TAKES AN INDEFINITE AMOUNT OF TIME, AND THE
15 SOONER YOU CAN GET STARTED ON THAT, THE CLEARER IT WILL BE TO
16 ME WE MIGHT BE ABLE TO TRY THIS CASE THIS YEAR WHICH IS IN
17 EVERYONE'S INTEREST.

18 WEDNESDAY AT 1:30.

19 THANK YOU, MR. GERAGOS, MR. DOBER.

20 ANYTHING ELSE FROM COUNSEL WHO IS APPEARING
21 TELEPHONICALLY?

22 MR. GERAGOS: NO, THANK YOU, YOUR HONOR.

23 MR. BUTLER: NO, YOUR HONOR.

24 THE COURT: SEE YOU 1:30 AT WEDNESDAY.

25 MR. IREDALE: THANK YOU SO MUCH, YOUR HONOR.

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<u>S/EVA OEMICK</u>	<u>9-25-07</u>
EVA OEMICK	DATE
OFFICIAL COURT REPORTER	

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